

AMENDED IN SENATE MARCH 18, 2013

SENATE BILL

No. 217

Introduced by Senator Beall

February 11, 2013

An act to amend Section 20022 of the Government Code, relating to ~~retirement~~ relating to state employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 217, as amended, Beall. ~~Public Employees' Retirement System.~~ State employees: memorandum of understanding: State Bargaining Unit 9.

Existing law provides that a provision of a memorandum of understanding between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of a memorandum of understanding entered into between the state employer and State Bargaining Unit 9, the Professional Engineers in California Government, that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and

confer to renegotiate the affected provisions if funds for those provisions are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS) for the purpose of providing pension benefits to specified public employees. Existing law defines "contracting agency" for purposes of the PERL.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares that the*
 2 *purpose of this act is to approve an agreement pursuant to Section*
 3 *3517.5 of the Government Code entered into by the state employer*
 4 *and State Bargaining Unit 9.*

5 *SEC. 2. The provisions of the memorandum of understanding*
 6 *prepared pursuant to Section 3517.5 of the Government Code and*
 7 *entered into by the state employer and State Bargaining Unit 9,*
 8 *dated ____, and that require the expenditure of funds, are hereby*
 9 *approved for the purposes of subdivision (b) of Section 3517.6 of*
 10 *the Government Code.*

11 *SEC. 3. The provisions of the memorandum of understanding*
 12 *approved by Section 2 of this act that require the expenditure of*
 13 *funds shall not take effect unless funds for these provisions are*
 14 *specifically appropriated by the Legislature. If funds for these*
 15 *provisions are not specifically appropriated by the Legislature,*
 16 *the state employer and the affected employee organization shall*
 17 *meet and confer to renegotiate the affected provisions.*

18 *SEC. 4. Notwithstanding Section 3517.6 of the Government*
 19 *Code, the provisions of the memorandum of understanding included*
 20 *in Section 2 that require the expenditure of funds shall become*
 21 *effective even if the provisions of the memorandum of*
 22 *understanding are approved by the Legislature in legislation other*
 23 *than the annual Budget Act.*

24 *SEC. 5. This act is an urgency statute necessary for the*
 25 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*

3 *In order for the provisions of this act to be applicable as soon*
4 *as possible in the 2013–14 fiscal year and thereby facilitate the*
5 *orderly administration of state government at the earliest possible*
6 *time, it is necessary that this act take effect immediately.*

7 ~~SECTION 1. Section 20022 of the Government Code is~~
8 ~~amended to read:~~

9 ~~20022. “Contracting agency” means a public agency that has~~
10 ~~elected to have all or any part of its employees become members~~
11 ~~of this system and that has contracted with the board for that~~
12 ~~purpose. “Contracting agency” also means a county office of~~
13 ~~education, school district, or community college district that has~~
14 ~~elected to have all or part of its employees participate in a risk~~
15 ~~pool and that has contracted with the board for that purpose.~~